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COUNTY OF SANTA CLARA

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

CARLOS LEGLU, JR., an individual,  
  
Plaintiff,  
  
v.  
  
COUNTY OF SANTA CLARA,  
  
Defendant.

No. CV13-01376 JSW

**JOINT MOTION FOR ORDER  
EXTENDING THE CLOSE OF NON-  
EXPERT DISCOVERY; REQUEST FOR  
DETERMINATION WITHOUT ORAL  
ARGUMENT**

**I.**

**INTRODUCTION AND SUMMARY OF RELIEF REQUESTED**

The Parties to this action jointly move the Court for an order extending the close of non-expert discovery by two months – from February 18, 2014 to April 18, 2014. *The requested extension will not affect any of the other dates set in this case.* The Parties participated in mediation on December 11, 2013, with Paul Renne acting as the Court-appointed mediator. To minimize costs and legal fees, which might serve as an impediment to settlement, the parties engaged in limited discovery prior to mediation. Unfortunately, the mediation was not successful, although settlement discussions continue. At the urging of Mediator Renee, the parties now approach the Court for the requested order. A Stipulation and [Proposed] Order Continuing the Closure of Non-Expert Discovery is attached.

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1 The Parties are in agreement with the requested relief and therefore request that the motion  
2 be determined without oral argument or by telephone conference call pursuant to Local Rule 7-1(b).

## 3 II.

### 4 POINTS AND AUTHORITIES

#### 5 A. GOOD CAUSE EXISTS TO CONTINUE CLOSURE OF NON-EXPERT 6 DISCOVERY

7 This Court's "Order Scheduling Trial and Pretrial Matters" [Doc. No. 11] sets February 18,  
8 2014 as the close of non-expert discovery. Trial is not scheduled until August 4, 2014. The  
9 Scheduling Order also states:

10 No provision of this order may be changed except by written order of this  
11 court upon its own motion or upon motion of one or more parties made  
12 pursuant to Civil. L. R. 7-1 or 7-1-(b) without a showing of very good  
13 cause. If the modification sought is an extension of a deadline contained  
14 herein, the motion must be brought before expiration of that deadline. The  
15 parties may not modify the pretrial schedule by stipulation . . . The parties  
16 are advised that if they stipulate to a change in the discovery schedule,  
17 they do so at their own risk.

18 This is an employment harassment/retaliation action involving thousands of documents and  
19 scores of witnesses. Engaging in costly, full discovery prior to mediation would have been counter-  
20 productive to settlement discussions. Mediator Renne encourages the parties to continue with  
21 settlement discussions, but should the matter not resolve the amount of discovery needed to properly  
22 prepare this case for a trial on the merits cannot be reasonably accomplished by February 18, 2014.  
23 Given the August 2014 trial date, the Parties believe that closing non-expert discovery on April 18,  
24 2014 is reasonable. They therefore respectfully request that the Court approve the attached  
25 Stipulation and [Proposed] Order Continuing Closure of Non-Expert Discovery.

#### 26 B. GOOD CAUSE EXISTS TO DETERMINE THE MOTION WITHOUT ORAL 27 ARGUMENT

28 The Court's Scheduling Order allows for modification of the Scheduling Order upon a  
motion pursuant to Local Rule 7-1(b), which states, "upon request by counsel and with the Judge's  
approval, a motion may be determined without oral argument or by telephone conference call."

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1 Since the Parties are in agreement on the relief requested, they respectfully request that the Court  
 2 determine this motion without oral argument or by a telephone conference call.

### 3 III.

### 4 CONCLUSION

5 The parties reasonably delayed full discovery to maximize the possibility of settlement at the  
 6 court-sponsored mediation on December 11, 2014. Unfortunately, the case has not yet settled and  
 7 the non-expert close of discovery is set for February 18, 2014. The parties cannot reasonably  
 8 complete non-expert discovery by that date and request that it be continued to April 18, 2014 to  
 9 properly prepare for trial, if trial becomes necessary. The trial date is not until August 5, 2014. The  
 10 requested extension will not affect any of the other dates set in this case.

11 Moreover, since the Parties are in agreement, they request that this motion be determined  
 12 without oral argument or by a telephone conference call.

13 I hereby attest that I have on file the holograph signature indicated by a "conformed"  
 14 signature (/S/) within this e-filed document.

15 Dated: January 8, 2014

Respectfully submitted,

16 ORRY P. KORB  
 17 County Counsel

18 By: \_\_\_\_\_ /S/

19 Mark F. Bernal  
 20 Deputy County Counsel

21 Attorneys for Defendant  
 22 COUNTY OF SANTA CLARA

23 Dated: January 7, 2014

By: \_\_\_\_\_ /S/

24 John P. Flynn

25 Attorney for Plaintiff  
 26 CARLOS LEGLU, JR.

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COUNTY OF SANTA CLARA

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8 UNITED STATES DISTRICT COURT  
9 NORTHERN DISTRICT OF CALIFORNIA  
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11 CARLOS LEGLU, JR., an individual,

12 Plaintiff,

13 v.

14 COUNTY OF SANTA CLARA,

15 Defendant.  
16

No. CV13-01376 JSW

**STIPULATION AND ~~PROPOSED~~ ORDER  
EXTENDING THE CLOSE OF NON-  
EXPERT DISCOVERY**

17 The parties, through their respective counsel of record, hereby stipulate and agree to an order  
18 extending the close of non-expert discovery by two months – from February 18, 2014 to April 18,  
19 2014.

20 WHEREAS, the parties to this action participated in court-sponsored mediation on December  
21 11, 2013, with Paul Renne acting as the court-appointed mediator, and

22 WHEREAS, the parties engaged in limited discovery prior to mediation to prevent increased  
23 fees and costs which may serve to hinder settlement, and

24 WHEREAS, the parties did not resolve the matter at mediation, but were encouraged by  
25 Mediator Renee to keep discussions ongoing, and

26 WHEREAS, the parties and Mediator Renee were in agreement that the current February 18,  
27 2014 closure of non-expert discovery should be extended two months to facilitate ongoing  
28 discussions and, if necessary, to complete discovery prior to trial, and

I hereby attest that I have on file all holograph signatures for any signatures indicated by a “conformed” signature (/S/) within this e-filed document.

IT IS SO STIPULATED.

Dated: January 8, 2014

Respectfully submitted,

ORRY P. KORB  
County Counsel

By: \_\_\_\_\_ /S/  
Mark F. Bernal  
Deputy County Counsel

Attorneys for Defendant  
COUNTY OF SANTA CLARA

Dated: January 7, 2014

By: /S/  
John P. Flynn

Attorney for Plaintiff  
CARLOS LEGLU, JR.

I CONCUR WITH THIS STIPULATION.

Dated: January 7, 2014

By: \_\_\_\_\_ /S/  
Paul A. Renne  
Mediator

## ORDER

Having considered the above Stipulation, and good cause appearing therefore, it is hereby ordered that the close of non-expert discovery in this matter is extended to April 18, 2014.

Dated: January 9, 2014

Jeffrey S. White

JEFFREY S. WHITE  
UNITED STATES DISTRICT JUDGE